

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP,

and

TAIWAN SCOTT, on behalf of himself and all
other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate;
LUKE A. RANKIN, in his official capacity as
Chairman of the Senate Judiciary Committee;
JAMES H. LUCAS, in his official capacity as
Speaker of the House of Representatives;
CHRIS MURPHY, in his official capacity as
Chairman of the House of Representatives
Judiciary Committee; WALLACE H.
JORDAN, in his official capacity as Chairman
of the House of Representatives Elections Law
Subcommittee; HOWARD KNAPP, in his
official capacity as interim Executive Director
of the South Carolina State Election
Commission; JOHN WELLS, Chair,
JOANNE DAY, CLIFFORD J. ELDER,
LINDA MCCALL, and SCOTT MOSELEY,
in their official capacities as members of the
South Carolina State Election Commission,

Defendants.

Case No. 3:21-cv-03302-JMC-TJH-RMG

**JOINT STATUS REPORT WITH
RESPECT TO THE HOUSE
DEFENDANTS' MOTION TO COMPEL**

Pursuant to the Order issued on March 8, 2022 (ECF No. 188), which directed the filing of
a joint status report on the issues still in dispute in House Defendants' Motion to Compel (ECF

No. 157) by March 17, 2022, The South Carolina State Conference of the NAACP (“SC NAACP”) and Taiwan Scott (collectively, “Plaintiffs”); Thomas C. Alexander and Luke A. Rankin, in their official capacities (“Senate Defendants”); James H. Lucas, Chris Murphy, and Wallace H. Jordan, in their official capacities (“House Defendants”); and Howard Knapp, John Wells, JoAnne Day, Clifford J. Edler, Linda McCall, and Scott Moseley, in their official capacities (the “Election Defendants”), submit this Joint Status Report.

On February 13, 2022, House Defendants filed a Motion to Compel Discovery requesting the Panel to issue an order assessing the insufficiency of Plaintiffs’ discovery responses and requiring prompt compliance in accordance with the Federal Rules of Civil Procedure. (ECF No. 157). At issue were the answers to interrogatories by Plaintiff Scott and Plaintiff SC NAACP, as well as responses to Requests for Admission and Requests for Production submitted jointly by Plaintiffs. (ECF Nos. 157-4, 157-5, 157-6, 157-7). This is the only discovery motion outstanding, as Plaintiffs’ Motion to Compel (ECF No. 119) was granted in part and denied in part on February 10, 2022 (ECF No. 153).

Shortly after the filing of House Defendants’ Motion to Compel, the Parties were granted a two-week “pause” to attempt to resolve the portion of this case involving the House Districts through mediation. (*See* ECF No. 170). The Parties were unable to do so and informed this Panel in a Status Report filed on March 7, 2022. (*See* ECF No. 187). At that time, the Parties jointly requested and the Panel agreed to allow an additional 10 days to further narrow or resolve the issues raised in the motion. That 10-day extension ends today.

To date, counsel for Plaintiffs and House Defendants engaged in Meet and Confers on various discovery issues (including but not limited to the issues raised by the Motion to Compel that is the subject of this Joint Report) on three separate dates: (1) on March 4, 2022, with the

meeting lasting approximately one hour; (2) on March 7, 2022, with the meeting lasting approximately three hours; and (3) on March 14, 2022, with the final meeting lasting approximately an hour and a half. As a result of these Meet and Confers, Plaintiffs to date produced an additional 161 documents from SC NAACP email accounts and served Amended Objections and Responses to House Defendants' First Set of Interrogatories, First Set of Requests for Admission, and First Set of Requests for Production on March 11, 2022. To date, Plaintiffs have not amended or supplemented the privilege logs produced on February 11, 2022, and have not yet identified a date by which House Defendants can expect to receive these supplemental logs.

While counsel for Plaintiffs and House Defendants have engaged in substantive discussions of the issues raised in House Defendants' Motion to Compel, there persist fundamental differences of opinion as the obligation of the Plaintiffs to produce responsive materials in accordance with the federal discovery rules. As a result, the only resolution reached to date is that House Defendants will no longer seek to compel adequate and sufficient answers from Plaintiffs to their First Set of Interrogatories, although House Defendants continue to believe the answers fall short of the requirements of Federal Rules of Civil Procedure 26 and 33. House Defendants will also refrain from further challenge to Plaintiff Scott's written responses to the First Set of Requests for Production given his abandonment of any challenge to the House Districts. However, House Defendants do maintain their Motion to Compel as to the deficiencies and insufficiency of both Plaintiffs' responses to the Requests for Admission and the responses (and attendant productions or lack thereof) to the Requests for Production by Plaintiff SC NAACP. House Defendants also continue their challenge to the sufficiency of Plaintiffs' privilege logs and the inapplicability of certain privileges asserted by both Plaintiffs. As a result of these continuing disagreements, Plaintiffs will be filing a response to the Motion to Compel on or before March 21, 2022 and House

Defendants will file their response on or by March 25, 2022 (the deadlines set by the Court's March 8, 2022 Scheduling Order).

[Signature Pages Follow]

Dated: March 17, 2022

Respectfully submitted,

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* Motion for admission *Pro Hac Vice* forthcoming
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